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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------|
| 10/543,020 | 03/29/2006 | Aloys Wobben | 205-A.016 | 3940 |
| 37362 | 7590 | 12/11/2006 | EXAMINER | |
| NEIL A. STEINBERG 2665 MARINE WAY, SUITE 1150 MOUNTAIN VIEW, CA 94043 | | | | GONZALEZ, JULIO C |
| ART UNIT | | PAPER NUMBER | | |

2834

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/543,020 | WOBBEN, ALOYS |
| | Examiner | Art Unit |
| | Julio C. Gonzalez | 2834 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 November 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 10-17) in the reply filed on 11/20/06 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 09/18/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but some of the information referred to therein has not been considered.

The references that were not considered have been crossed out in the IDS. Such references were cross out, in part, since it was not possible to determine and identify, which non-patent literature such listing pertain to in the IDS and the Prior Art Documents. There has to be some kind of identification between the IDS and the Prior Art Documents.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz (DE 20102051) in view of Danish Patent (DK 9700453).

Sulz discloses a wind power installation having a foundation 26, pylon 25, generator 24, power module having a transformer inside (page 5, line 11), which are inside container 17 (see figure 1). Moreover, it is shown that container 17 has a width and/or length less than the diameter of the pylon 25 (see figure 1). However, Sulz does not illustrate explicitly having a power module with a transformer on the inside.

On the other hand, the Danish Patent discloses for the purpose of reducing transmission losses in wind turbine collection networks that is highly desirable to have a wind turbine with power module being made up of a transformer inside a container (see figure 4; page 5, line 25, 26 of Translated Document) and such container being supported by the foundation (see figure 4).

Moreover, it is taught that the container can have a cylindrical cross-section (see figure 2). Also, The Danish Patent teaches that controllers can be positioned inside the wind tower (see page 2, lines 32, 33 of Translated Document) and that the container can be configured to have the shape of the wind turbine tower (see page 3, lines 14-16 of Translated Document), which are well known to be cylindrical. Also, the wind tower can be placed offshore (page 4, line 17 of Translated Document).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind power installation as disclosed by Sulz and to illustrate explicitly having a transformer inside a wind tower for the purpose of reducing transmission losses in wind turbine collection networks as taught by The Danish Patent.

5. Claims 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz and The Danish Patent as applied to claim 10 above, and further in view of the Document A Feasibility Study on Offshore Wind Turbine System.

The combined wind power installation discloses all of the elements above. However, the combined wind power installation does not disclose explicitly that inside a wind tower, there is enough space for a working crew to perform various activities.

On the other hand, the Document A Feasibility Study on Offshore Wind Turbine System discloses for the purpose of providing a reliable and cost effective offshore system that it is well known in the art to provide wind towers with enough space for crew members to perform different/various activities since it is disclosed that routine maintenance work is to be performed (see page 7, under Operation, maintenance and repair requirements subtitle). Moreover, it is disclosed that elevators, ladder and cables can be inside the wind tower (see figure 2, 3 and paragraph under subtitle Steel Tower).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by disclosing that it is known to have ample space inside wind tower for various activities for the purpose of providing a reliable and cost effective offshore system as taught by the Document A Feasibility Study on Offshore Wind Turbine System.

6. Claims 13, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz and the Danish Patent as applied to claim 10 above, and further in view of Kuhn et al (US 4,017,698).

The combined wind power installation discloses all of the elements above.

However, the combined wind power installation does not disclose that the container is a water-tight container.

On the other hand, Kuhn et al discloses for the purpose of providing a safe and reliable power network that a container 12 encloses transformer 78 and controllers 52 and that the container has a water-tight door 44 (see figures 1, 1A; column 4, lines 16-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by using a water-tight container for the purpose of providing a safe and reliable power network as disclosed by Kuhn et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jcg

December 7, 2006



JULIO GONZALEZ
PRIMARY EXAMINER